

Approved:


KEVIN T. SULLIVAN
Assistant United States Attorney

Before: HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

CORY SMITH,

Defendant.

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20 Mag. 1797
RULE 32.1(a) (5) (B)
AFFIDAVIT

SOUTHERN DISTRICT OF NEW YORK, ss:

OSWALDO CERRATO, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshals Service ("USMS"), and charges as follows:

On or about January 13, 2020, the United States District Court for the Northern District of New York issued a warrant for the arrest of "Cory Quamell Smith" (the "Warrant"). The Warrant was based upon the petition (the "Petition") of the U.S. Probation Department of the Northern District of New York charging "Cory Quamell Smith" with violating the following conditions of his supervised release: (1) the defendant shall not commit another federal state, or local crime; (2) the defendant shall refrain from the unlawful use of any controlled substance; and (3) the defendant shall not leave the judicial district without the permission of the court or the probation officer.

I believe that CORY QUAMELL SMITH, the defendant, who was taken into USMS custody on February 14, 2020, at approximately 8:30 AM, in the vicinity of Valhalla, New York, is the same individual as the "Cory Quamell Smith" who is wanted in

the Northern District of New York.

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Deputy United States Marshal with USMS, and I have been personally involved in determining whether CORY QUAMELL SMITH, the defendant, is the same individual as the "Cory Quamell Smith" named in the Warrant. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned relating to CORY QUAMELL SMITH, the defendant. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

2. Based on my conversations with other law enforcement officers, my review of relevant documents, and my personal involvement in this case, I know the following:

a. On February 12, 2020, officers of the Kingston Police Department arrested and detained an individual identified as "Cory Quamell Smith" in connection with an ongoing investigation of a homicide that occurred in the City of Kingston in Ulster County, New York on or about February 11, 2020.

b. On February 13, 2020, the U.S. Probation Department was notified by law enforcement officers in Ulster County, New York that an individual identified as "Cory Quamell Smith" was in custody. The U.S. Probation Department also received an automated arrest notification from the New York State Division of Criminal Justice Services advising that an individual identified via arrest fingerprint card as "Cory Quammell Smith" had been arrested by the Kingston Police Department.

c. Later, on February 13, 2020, the United States District Court for the Northern District of New York issued the Warrant. The Warrant was based upon the Petition of the U.S. Probation Department. To date, the individual identified as "Cory Quamell Smith" has not been charged in connection with the ongoing homicide investigation by the Kingston Police Department. On the basis of the Warrant, was brought to the Westchester County Jail.

d. On the morning of February 14, 2020, SMITH was brought into the custody of USMS. Once in federal custody, SMITH identified himself as "Cory Quamell Smith" and provided me with his date of birth and social security number. I compared his date of birth and social security number with those listed on the USMS Form 129 that USMS has on record for SMITH from his prior federal conviction for which he is on supervised release, and they matched those listed on the Form 129. SMITH was fingerprinted by USMS officers. USMS officers then ran SMITH's fingerprints through a law enforcement database, which identified the fingerprints as those of a "Cory Quamell Smith."


3. Based on the foregoing information, I believe that CORY QUAMELL SMITH, the defendant, is the same individual as the "Cory Quamell Smith" named in the Warrant and Petition now pending in the United States District Court for the Northern District of New York.

WHEREFORE, deponent prays that CORY QUAMELL SMITH, the defendant, be bailed or imprisoned, as the case may be.



Oswaldo Cerrato
Deputy United States Marshal
United States Marshals Service

Sworn to before me this
14th day of February, 2020



HONORABLE JUDITH C. MCCARTHY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America

v.

Cory Quamell Smith
13968-052

Case No. 1:06-CR-408 (NAM)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

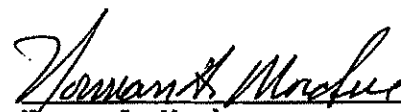
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Cory Quamell Smith,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

New Criminal Conduct
 Drug Use
 Unauthorized Travel Out of District

Date: 02/13/2020City and state: Syracuse, New York

 Norman A. Mordue
 Senior U.S. District Judge

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature_____
Printed name and title